



## Broadcasting Decision CRTC 2007-343

Ottawa, 30 August 2007

### Vista Radio Ltd.

Campbell River, British Columbia

*Application 2007-0088-2, received 22 January 2007*

*Public Hearing in the National Capital Region*

*18 June 2007*

### CFWB Campbell River, British Columbia – Conversion to FM band

*The Commission **approves in part** an application by Vista Radio Ltd. (Vista) for a broadcasting licence to operate a new English-language, commercial FM radio programming undertaking at Campbell River to replace AM station CFWB. Specifically, the Commission **approves** the conversion to the FM band, but **denies** the proposed technical parameters. Vista must submit for the Commission's approval, within three months of the date of this decision, an amendment to its application, proposing the use of another frequency and technical parameters that are acceptable to the Commission and the Department of Industry for use in the Campbell River market.*

### The application

1. The Commission received an application by Vista Radio Ltd. (Vista) to obtain a broadcasting licence to operate a new English-language, commercial FM radio programming undertaking at Campbell River, British Columbia to replace its AM station CFWB.
2. The applicant proposed to operate the new FM station at 106.1 MHz (channel 291B) with an average effective radiated power (ERP) of 663 watts. The antenna for the new station would be located on the same tower used by Vista's station CFCP-FM Courtenay, British Columbia, and by CHEK-TV-5 Campbell River and CHAN-TV-4 Courtenay, which are owned by CanWest MediaWorks Inc.
3. Vista stated that the new FM station would continue to offer a country music format, targeting predominantly adults between 25 and 54 years of age. The proposed station would provide 118 hours or 94% local programming in each broadcast week. Local programming would include news, sports, weather, community events and entertainment information as well as ferry schedules and tidal reports.
4. The new station would devote 9.45 hours to spoken word programming each broadcast week, of which 60% would be dedicated to news programming.

5. The applicant also indicated that Vista's Courtenay studios would continue to produce afternoon newscasts specific to Campbell River, until the new FM station's revenues could support further growth. Vista made a commitment that, at such time, it would increase its local news staff at the Campbell River studio.
6. With respect to Canadian content development (CCD), Vista submitted that it would make annual basic contributions to CCD, consistent with the new approach set out in Broadcasting Public Notice 2006-158.

### **Interventions**

7. The Commission received one intervention in opposition from Island Radio, a Division of Jim Pattison Broadcast Group Limited Partnership (Pattison).
8. Pattison is the licensee of CKLR-FM Courtenay, a regional station licensed to serve the Comox-Strathcona Regional District, which includes Campbell River. Pattison is also the licensee of CKWV-FM and CHWF-FM Nanaimo, CIBH-FM and CHPQ-FM Parksville, and CJAV-FM Port Alberni, all located on Vancouver Island.
9. Pattison did not oppose the conversion of CFWB to the FM band, but did oppose Vista's technical plans. Pattison argued that the proposed technical parameters would significantly expand CFWB's existing coverage beyond its licensed service area. According to the intervener, Vista could convert to the FM band utilizing a local transmitter site and a lower power FM transmitter. Pattison submitted that this alternative would be cost effective and would maintain CFWB's currently licensed contours.

### **Applicant's reply**

10. In response to the intervention, Vista stated that the current coverage by CFWB of the Campbell River area is insufficient. The applicant also added that it had several objectives to meet when it looked for a technical solution. These included converting to the FM band to provide a quality stereo signal for listeners in the Campbell River area to ensure coverage in a cost-efficient manner. This would allow Vista to focus expenditures on programming rather than on capital costs for transmission and costly maintenance.
11. The applicant added that its proposal is meant solely to eliminate the coverage problems that occur with AM transmission. Vista also stated that it had chosen to use a directional antenna so as to minimize signal spill into areas of Vancouver Island served by other broadcasters.

### **Commission's analysis and determination**

12. In its evaluation of this application, the Commission has carefully considered the views expressed by Vista and by the intervener.

13. Based on its examination of the record of this proceeding, the Commission is satisfied that the proposed conversion of CFWB to the FM band would improve the quality of the station's service to listeners in the Campbell River area. Accordingly, the Commission **approves in part** the application by Vista Radio Ltd. for a broadcasting licence to operate a new English-language FM radio programming undertaking in Campbell River to replace its AM station CFWB.
14. The new station will operate in a single-station market, as defined in Public Notice 1993-121.
15. The licence will be subject to the **conditions** set out in Public Notice 1999-137, with the exception of conditions of licence numbers 5 and 9. Condition of licence number 5 related to Canadian talent development (CTD) is replaced, as discussed below. Condition number 9 relates to the solicitation of local advertising, which does not apply to stations operating in a single-station market. The licence will also be subject to the terms and **conditions** set out in the appendix to this decision.
16. The Commission notes that the transmitter CJGR-FM Gold River, presently authorized as a transmitter of CFWB Campbell River, will be part of the new FM licence.
17. As set out in the appendix to this decision, the licensee is authorized to simulcast the programming of the new FM station on CFWB for a transition period of three months following the commencement of operations of the FM station, or for any other period granted by the Commission subsequent to the submission of an application. Pursuant to sections 9(1)(e) and 24(1) of the *Broadcasting Act*, and consistent with the licensee's request, the Commission **revokes** the licence for CFWB effective at the end of the simulcast period.

**Use of frequency 106.1 MHz (channel 291B)**

18. The Commission is satisfied that CFWB's conversion to the FM band is in the public interest. However, based on its analysis of the theoretical contours filed in the present application, the Commission is of the view that the use of the contours proposed by Vista would expand the existing coverage of CFWB.
19. The Commission also notes that Vista proposes to use a directional antenna to serve Campbell River. The Commission finds that the proposed parameters do not maximize the use of this class B frequency.
20. In light of the above, the Commission considers that a transmitter site closer to Campbell River with parameters that reflect CFWB's existing contours would represent a better use of the spectrum for a new local FM station. Accordingly, the Commission **denies** Vista's proposal to use frequency 106.1 MHz (channel 291B) with an average ERP of 663 watts. As set out in the appendix to this decision, Vista must submit, within three months of the date of this decision, an amendment to its application proposing the use of an FM frequency and technical parameters that are acceptable to both the Commission and the Department of Industry (the Department).

## Changes to the development and promotion of Canadian artists

21. In Broadcasting Public Notice 2006-158, the Commission set out a new approach to the development and promotion of Canadian artists. In order to reflect a new emphasis on development initiatives that lead to the creation of audio content for broadcast using Canadian resources, the Commission replaced the expression “Canadian talent development” (CTD) with “CCD”.
22. The Commission notes that, under the new policy, each radio station holding a commercial radio licence is required to make a basic annual CCD contribution based on its total broadcast revenues in the previous broadcast year. No less than 60% of the basic annual CCD contribution must be forwarded to FACTOR or MUSICACTION. The remaining amount may be allocated, at the licensee’s discretion, to parties and initiatives fulfilling the definition of eligible initiatives in Broadcasting Public Notice 2006-158. This requirement will be reflected in the *Radio Regulations, 1986* (the Regulations). Until such time, it will be implemented by a transitional condition of licence that will expire upon the coming into force of the amendments to the Regulations.
23. Vista indicated that it will make annual basic contributions to CCD, consistent with the new approach set out in Broadcasting Public Notice 2006-158. **Conditions of licence** are set out in the appendix to this decision requiring the applicant to adhere to these commitments.

## Employment equity

24. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

## Related documents

- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999
- *Local programming policy for FM radio – Definition of a single-station market*, Public Notice CRTC 1993-121, 17 August 1993

*This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*

# Appendix to Broadcasting Decision CRTC 2007-343

## Terms and conditions of licence

### Terms

#### Issuance of the broadcasting licence to operate an English-language commercial FM radio programming undertaking in Campbell River, British Columbia

The licence will expire 31 August 2013.

The Commission will only issue the licence and the licence will only be effective at such time as:

- the applicant submits, within three months of the date of this decision, an amendment to its application proposing the use of an FM frequency and technical parameters that are acceptable to both the Commission and the Department of Industry (the Department);
- pursuant to section 22(1) of the *Broadcasting Act*, the Department notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued; and
- the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 31 August 2009. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

### Conditions of licence

1. The licence will be subject to the conditions set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of conditions of licence numbers 5 and 9.
2. a) The licensee shall make a basic annual contribution to Canadian Content Development (CCD). The amount of this contribution shall be determined in accordance with *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Broadcasting Public Notice 2006-158), as amended from time to time.  
  
b) The licensee shall allocate 60% of this basic annual CCD contribution to FACTOR or MUSICACTION.

- c) the remaining amounts of this basic annual contribution shall be allocated to eligible parties and activities as defined in Broadcasting Public Notice 2006-158.

This condition of licence shall expire upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD.

The Commission reminds the applicant that all development initiatives should be allocated to the support, promotion, training and development of Canadian musical and spoken word talent, including journalists. Parties and initiatives eligible for CCD funding are identified in paragraph 108 of Broadcasting Public Notice 2006-158.

3. The licensee is authorized to simulcast the programming of the new FM station on CFWB for a transition period of three months following the commencement of operations of the FM station, or for any other period granted by the Commission subsequent to the submission of an application.